

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR
Writ Petition No.1927 of 1990

(Maharashtra Home Guards Instructional Staff Development Council,
 Nagpur, through Shri Anand G. Pandey, Secretary General of the
 said Society and others v. State of Maharashtra)

 Office Notes, Memoranda of Coram,
 appearances, Court's orders or directions : Court's or Judge's orders
 and Registrar's orders.

Petitioner No.1 in person **(Not Present)**.
 Smt. B.H. Dangre, Additional Government Pleader for
 Respondent.

CORAM : D.K. Deshmukh & R.C. Chavan, JJ.
DATE : 20th September, 2007

Order below Written Submission [St.No.9746/07](#)
filed by petitioners :

1. The petition was closed for judgment on 17-9-2007. Petitioner No.1 requested that he should be permitted to file written submissions, which he was supposed to do before the Court pronounced the judgment. Today, when the matter was called out for pronouncement of judgment, petitioner No.1 was not present and had not filed any submissions. Therefore, the judgment disposing of the petition was pronounced. Subsequently, petitioner No.1 filed the written submissions contending that the respondent had not filed reply to the amended petition and petitioner's rejoinder. He has also raised the question of non-appearance of the Advocate General, as directed by this Court on 19-6-2007.

2. As far as absence of reply to the amended part of the

petition is concerned, the amendments carried out in February 2007 only reiterate that the Government of Maharashtra has not followed the pattern prescribed by the Government of India and exercise of best judgment in terms of Rule 3 of the Maharashtra Civil Services (Conduct) Rules, 1979, which has already been dealt with in the judgment, which we have just pronounced and, therefore, need no separate consideration.

3. As regards non-appearance of the Advocate General, suffice it to say that the order dated 19-6-2007 was required to be passed calling upon the Advocate General to appear, because the reply filed on behalf of the respondent was a cryptic reply sworn by a junior staff officer of Home Guards. After this order, an additional return was filed on 2-7-2007, which has been referred to in the judgment, duly explaining the Government's stand on various pleas raised by the petitioner and sworn by the Deputy Secretary in the Home Department. In view of this, though the petition came up before the Court again on 6th and 30th August, 2007, we did not find it necessary to insist upon the appearance of the Advocate General.

4. In this view of the matter, the judgment just pronounced does not need any reconsideration.

JUDGE

JUDGE

pdl